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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,586	01/25/2001	Clint H. O'Connor	16356.600 (DC-02884)	7588
7590	10/13/2005			EXAMINER
David L. McCombs Haynes and Boone, L.L.P. 901 Main Street, Suite 3100 Dallas, TX 75202-3789			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/770,586	O'CONNOR ET AL.	

  

<b>Examiner</b>	<b>Art Unit</b>	
Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment and Drawings (dated 7/27/05).
2. Claims 1-21 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite the method step of “transmitting configuration information . . . to track, monitor and confirm work in progress until manufacturing is complete” and “completing software configuration . . . to track, monitor and confirm work in progress” which were not described in the specification. In the specification, applicant described that the configuration information, i.e. drivers, operating system information, etc., is used to configure the device. The configuration information is not described to be used for tracking, monitoring and confirming

work in progress. The specification describes that the device can be tracked and monitored via an information (not configuration information) communicated via a wireless network [specification, p. 12, lines 14-29; p. 13, lines 17-21].

***Claim Rejections - 35 USC § 103***

6. Claims 1, 12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent No. 6,876,295) and Worley et al. [Worley] (U.S. Patent No. 6,651,190).

7. Regarding claim 1, Lewis teaches a method of manufacturing a computing product (12) comprising:

placing an assembled computing product (12) in a shipping container (16) to provide a containerized computing product [Fig. 1; col. 4, lines 9-10];

transmitting configuration information to the assembled computing product via a wireless communication connection [col. 4, lines 18-20, 27-29];

receiving the configuration information by the assembled computing product [col. 4, lines 4-8, 29-32]; and

configuring the containerized computing product with the received configuration information, via the wireless configuration information [col. 4, lines 33-39; col. 4, line 66 to col. 5, line 2].

Lewis does not explicitly teach that the computing product could be tracked, monitored and confirmed work in progress via a wireless network.

Worley teaches that an operation of a system could be tracked, monitored and confirmed via a wireless network [col. 4, lines 42-48; col. 7, lines 8-53].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lewis to allow the computing product could be remotely tracked and monitored via a wireless network as taught by Worley because it would eliminate the need for having an technician on-site.

8. Regarding claim 12, Lewis teaches that the computing product is a battery powered portable computer system [col. 6, lines 53-56].

9. Regarding claim 14, Lewis teaches a method of manufacturing a battery-powered portable computer system [col. 6, lines 53-56], the computer system having a wireless communication subsystem [col. 4. lines 1-8], the method comprising:

assembling a computer system (mobile terminal 12) according to a selected hardware configuration (hardware configuration pre-selected by the manufacturer) [col. 4, lines 41-46];

placing the computer system in a shipping container thus providing a containerized computer system [Fig. 1; col. 4, lines 9-10];

transmitting configuration information to the containerized computer system [col. 4, lines 18-20, 27-29];

receiving the configuration information by the containerized computer system through the wireless communication subsystem [col. 4, lines 4-8, 29-32]; and

configuring the containerized computer system according to the configuration information [col. 4, lines 33-39; col. 4, line 66 to col. 5, line 2].

Lewis does not explicitly teaches that the computing product could be tracked, monitored and confirmed work in progress via a wireless network.

Worley teaches that an operation of a system could be tracked, monitored and confirmed via a wireless network [col. 4, lines 42-48; col. 7, lines 8-53].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lewis to allow the computing product could be remotely tracked and monitored via a wireless network as taught by Worley because it would eliminate the need for having an technician on-site.

10. Regarding claims 15-17, Lewis teaches that the computer system initially is at un-powered state; prior to receiving configuration information, the computer system is waking up; and the system is powered down after disconnecting the communication [col. 8, lines 28-63].

11. Regarding claim 18, Lewis teaches a method of configuring a computer system, the computer system having a wireless communication subsystem [col. 4. lines 1-8], the method comprising:

assembling a computer system (mobile terminal 12) according to a predetermined hardware configuration (hardware configuration pre-selected by the manufacturer) [col. 4, lines 41-46];

placing the computer system in a shipping container thus providing a containerized computer system [Fig. 1; col. 4, lines 9-10]; and

completing software configuration of the containerized computer system before shipping the computer system to a predetermined customer by exchanging information between the wireless communication subsystem and a wireless information network [col. 3, line 66 to col. 4, line 33].

Lewis does not explicitly teach that the computing product could be tracked, monitored and confirmed work in progress via a wireless network.

Worley teaches that an operation of a system could be tracked, monitored and confirmed via a wireless network [col. 4, lines 42-48; col. 7, lines 8-53].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lewis to allow the computing product could be remotely tracked and monitored via a wireless network as taught by Worley because it would eliminate the need for having an technician on-site.

12. Regarding claim 19, Lewis teaches that the completing further comprises:

transmitting configuration information through the wireless information network to the containerized computer system [col. 4, lines 18-20, 27-29]; and

receiving the configuration information by the containerized computer system through the wireless communication subsystem [col. 4, lines 4-8, 29-32].

13. Regarding claim 20, Lewis teaches that configuring the containerized computer system when the computer system is in operational mode [col. 3, line 15-18]. Lewis does not explicitly teach that the containerized computer system is configured before shipping to the customer.

However, one of ordinary skill in the art would have recognized that the configuring step to configure the computer system as taught by Lewis could also be done as in conventional method such as configuring the system before packing and shipping to the customer.

14. Regarding claim 21, Lewis teaches that configuring the containerized computer system when the computer system is first turned on by the customer [col. 3, lines 2-6; col. 4, lines 33-36; col. 4, line 66 to col. 7, line 9].

15. Claims 2-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent No. 6,876,295), Worley et al. [Worley] (U.S. Patent No. 6,651,190) and Kroening et al. [Kroening] (U.S. Patent No. 6,080,207).

16. Regarding claims 2-7, Lewis and Worley do not explicitly detail the type of the configuration information. However, Lewis suggests that any type of configuration information could be wirelessly received and stored by the computing product.

Kroening teaches a method for manufacturing a computing product comprising the step of wirelessly transmitting a variety of applications or a variety of configurations files to the assembled computing product [col. 4, lines 36-37; col. 7, line 60]. The variety of applications or the variety of configurations files comprising but not limited to hardware configuration information [col. 4, lines 12-16], software configuration information [col. 4, lines 10-12], operating system configuration information [col. 4, lines 35-37; col. 7, lines 42-64] and/or application software configuration information [col. 7, lines 49-52].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because they both directed to the problem of wirelessly transmitting configuration data to a remote computing device to be configured.

17. Regarding claims 8-10, Kroening teaches that the application software and application software configuration are defined by a predetermined customer or a customer's service provider [col. 3, lines 59-61; col. 4, lines 10-12, 35-37; col. 7, lines 43-45].

Art Unit: 2116

18. Regarding claim 11, Lewis, Worley and Kroening do not explicitly teach that the specified hardware configuration in the assembling is a customer selected configuration. However, one of ordinary skill in the art would have recognized that it would have been obvious to allow the customers to select hardware configuration in the same way they select their software configuration.

19. Regarding claim 13, Lewis, Worley and Kroening do not explicitly teach the step of confirming the computing product is appropriately configured subsequent to the configuring. However, Kroening teaches that error checking is made during the creating of the image before the image is transmitted to the computing product [col. 5, lines 17-26]. Kroening does aware of the operation of the configured computing product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kroening to include a confirmation step to ensure that the computing product operate error free after being configured.

### *Conclusion*

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Thuan N. Du  
October 6, 2005



THUAN N. DU  
PRIMARY EXAMINER